United Nations A/66/L.34

General Assembly

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11 January 2012

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Sixty-sixth session
Agenda item 33
The role of diamonds in fuelling conflict

Argentina, Australia, Austria, Belgium, Botswana, Brazil, Bulgaria, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Namibia, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The role of diamonds in fuelling conflict: breaking the link between the illicit transaction of rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts

The General Assembly,

Recognizing that the trade in conflict diamonds continues to be a matter of serious international concern, which can be directly linked to the fuelling of armed conflict, the activities of rebel movements aimed at undermining or overthrowing legitimate Governments and the illicit traffic in and proliferation of armaments, especially small arms and light weapons,

Recognizing also the devastating impact of conflicts fuelled by the trade in conflict diamonds on the peace, safety and security of people in affected countries, and the systematic and gross human rights violations that have been perpetrated in such conflicts,

Noting the negative impact of such conflicts on regional stability and the obligations placed upon States by the Charter of the United Nations regarding the maintenance of international peace and security,

Recognizing that continued action to curb the trade in conflict diamonds is imperative,

Noting with appreciation that the Kimberley Process, as an international initiative led by the Governments of participant States, has pursued its deliberations on an inclusive basis involving concerned stakeholders, including producing, exporting and importing States, the diamond industry and civil society, as well as applicant States and international organizations,

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Recalling that the elimination of conflict diamonds from legitimate trade is the primary objective of the Kimberley Process, and stressing the need to continue its activities in order to achieve this objective,

Calling for the consistent implementation of commitments made by Kimberley Process participant States,

Acknowledging that the diamond sector is an important catalyst for promoting economic and social development, which are necessary for poverty reduction and meeting the requirements of the Millennium Development Goals in many producing countries, particularly in developing countries,

Bearing in mind the positive benefits of the legitimate diamond trade to producing countries, and underlining the need for continued international action to prevent the problem of conflict diamonds from negatively affecting the trade in legitimate diamonds, which makes a critical contribution to the economies of the producing, exporting and importing States,

Noting that the vast majority of rough diamonds produced in the world are from legitimate sources,

Recalling the Charter and all the relevant resolutions of the Security Council related to conflict diamonds, and determined to contribute to and support the implementation of the measures provided for in those resolutions,

Recalling also Security Council resolution 1459 (2003) of 28 January 2003, in which the Council strongly supported the Kimberley Process Certification Scheme[1] as a valuable contribution against trafficking in conflict diamonds,

Welcoming the important contribution of the Kimberley Process, which was initiated by African diamond-producing countries,

Noting with satisfaction that the implementation of the Kimberley Process Certification Scheme continues to have a positive impact in reducing the opportunity for conflict diamonds to play a role in fuelling armed conflict and would help to protect legitimate trade and ensure the effective implementation of the relevant resolutions on trade in conflict diamonds,

Acknowledging that lessons learned from the Kimberley Process may be useful for the work of the Peacebuilding Commission in its consideration of the countries included in its agenda, as appropriate,

Recalling its resolutions 55/56 of 1 December 2000, 56/263 of 13 March 2002, 57/302 of 15 April 2003, 58/290 of 14 April 2004, 59/144 of 15 December 2004, 60/182 of 20 December 2005, 61/28 of 4 December 2006, 62/11 of 26 November 2007, 63/134 of 11 December 2008, 64/109 of 11 December 2009 and 65/137 of 16 December 2010, in which it called for the development and implementation as well as a periodic review of proposals for a simple, effective and pragmatic international certification scheme for rough diamonds,

Welcoming, in this regard, the implementation of the Kimberley Process Certification Scheme in such a way as not to impede the legitimate trade in diamonds or impose an undue burden on Governments or industry, particularly smaller producers, nor hinder the development of the diamond industry,

[1] See A/57/489.

Welcoming also the decision of fifty Kimberley Process Participants, representing seventy-six countries, including the twenty-seven members of the European Union represented by the European Commission, to address the problem of conflict diamonds by participating in the Process and implementing the Kimberley Process Certification Scheme,

Noting the outcomes of the plenary meeting of the Kimberley Process hosted by the Democratic Republic of the Congo from 31 October to 3 November 2011,[2]

Welcoming the important contribution to fulfilling the purposes of the Kimberley Process that has been made and continues to be made by civil society organizations from across participant countries, and the diamond industry, in particular the World Diamond Council, which represents all aspects of the diamond industry in the Kimberley Process, to assist international efforts to stop the trade in conflict diamonds, and recommending that the Kimberley Process encourage civil society organizations to return to full and active engagement with the initiative,

Welcoming also the voluntary self-regulation initiatives for the diamond industry announced by the World Diamond Council, and recognizing that a system of such voluntary self-regulation contributes, as described in the Interlaken Declaration of 5 November 2002 on the Kimberley Process Certification Scheme for Rough Diamonds,[1] to ensuring the effectiveness of national systems of internal control for rough diamonds,

Recognizing that State sovereignty should be fully respected and that the principles of equality, mutual benefits and consensus should be adhered to,

Recognizing also that the Kimberley Process Certification Scheme, which came into effect on 1 January 2003, will be credible only if all Participants have requisite national legislation coupled with effective and credible internal systems of control designed to eliminate the presence of conflict diamonds in the chain of producing, exporting and importing rough diamonds within their own territories, while taking into account that differences in production methods and trading practices, as well as differences in institutional controls thereof, may require different approaches to meeting minimum standards,

Welcoming the efforts to improve the normative framework of the Kimberley Process through the elaboration of new rules and procedural norms to regulate the activities of its working bodies, Participants and observers and the streamlining of the procedures for preparation and adoption of the decisions and documents of the Kimberley Process, thereby enhancing the effectiveness of the Kimberley Process Certification Scheme,

1. *Reaffirms its strong and continuing support* for the Kimberley Process Certification Scheme[1] and the Kimberley Process as a whole;

2. *Recognizes* that the Kimberley Process Certification Scheme can help to ensure the effective implementation of relevant resolutions of the Security Council containing sanctions on the trade in conflict diamonds and act as a mechanism for the prevention of future conflicts, and calls for the full implementation of existing Council measures targeting the illicit trade in rough diamonds, particularly conflict diamonds which play a role in fuelling conflict;

[2] See A/66/593.

3. *Welcomes* the admission in May 2011 of Swaziland to the Kimberley Process as a full Participant;

4. *Recognizes* the important contributions that the international efforts to address the problem of conflict diamonds, including the Kimberley Process Certification Scheme, have made to the settlement of conflicts and the consolidation of peace in Angola, Liberia and Sierra Leone;

5. *Notes* the efforts to further strengthen implementation of the minimum requirements of the Kimberley Process, to review the implementation of import confirmation requirements and to examine the application of Kimberley Process Certification Scheme requirements in cross-border Internet sales;

6. *Also notes* the decision of the General Council of the World Trade Organization of 15 May 2003 granting a waiver with respect to the measures taken to implement the Kimberley Process Certification Scheme, effective from 1 January 2003 to 31 December 2006,[3] and the decision of the General Council of 17 November 2006 granting an extension of the waiver until 31 December 2012;[4]

7. *Takes note* of the report of the Chair of the Kimberley Process submitted pursuant to General Assembly resolution 65/137, and congratulates the participating Governments, the regional economic integration organization, the diamond industry and civil society organizations involved in the Process for contributing to the development, implementation and monitoring of the Kimberley Process Certification Scheme;

8. *Acknowledges* the progress made by Kimberley Process working groups, Participants and observers during 2011 in fulfilling the objectives set by the Chair to strengthen implementation of the peer review system, increase the transparency and accuracy of statistics, promote research into the traceability of diamonds, promote inclusiveness by broadening the level of involvement by Governments, industry and civil society in the Kimberley Process Certification Scheme, foster a sense of ownership by Participants, improve information and communication flows and enhance the capacity of the Certification Scheme to respond to emerging challenges;

9. *Notes* that the annual reporting process on Kimberley Process Certification Scheme implementation is the main comprehensive and regular source of information on the implementation provided by Participants, and calls upon Participants to submit consistent and substantive annual reports in order to conform to this requirement;

10. *Expresses appreciation* to, Botswana, Lesotho and Ukraine for receiving review visits in 2011, and welcomes the commitment of those countries to continuously open their certification systems to reviews and improvements;

11. *Acknowledges* the efforts of the Kimberley Process to strengthen implementation and enforcement, and in particular to ensure coordination of Kimberley Process actions in relation to the occurrence of fraudulent certificates, to apply vigilance and ensure the detection and reporting of shipments of suspicious origin and to facilitate the exchange of information in cases of infringement;

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[3] World Trade Organization, document WT/L/518. Available from http://docsonline.wto.org.

[4] World Trade Organization, document G/C/W/559/Rev.1. Available from http://docsonline.wto.org.

12. *Stresses* that the widest possible participation in the Kimberley Process Certification Scheme is essential, and encourages all Member States to contribute to the work of the Kimberley Process by seeking membership, participating actively in the Certification Scheme and complying with its undertakings, and acknowledges the importance of increased involvement of civil society organizations in the Process;

13. *Calls upon* the Participants of the Kimberley Process to continue to articulate and improve rules and procedures to further enhance the effectiveness of the Kimberley Process Certification Scheme, and notes with satisfaction the systematization of the work of the Process with respect to developing transparent and uniform rules and procedures and improving the mechanism for consultations and coordination within the Process;

14. *Notes with appreciation* the willingness of the Kimberley Process to support and provide technical assistance to those Participants experiencing temporary difficulties in complying with the requirements of the Kimberley Process Certification Scheme;

15. *Also notes with appreciation* the continued cooperation of the Kimberley Process with the United Nations on the issue of diamonds from Côte d'Ivoire, in accordance with the provisions of Security Council resolution 1980 (2011) of 28 April 2011 and in line with the administrative decision on sharing information with the United Nations,[5] and encourages the Kimberley Process Working Group on Monitoring and Working Group of Diamond Experts, with the support of the Friends of Côte d'Ivoire, to actively collaborate with the United Nations Group of Experts on Côte d'Ivoire, originally established by the Council in its resolution 1584 (2005) of 1 February 2005, and through liaison with Côte d'Ivoire, with the ultimate objective of meeting the preconditions for the lifting of United Nations sanctions on the trade in rough diamonds from Côte d'Ivoire;

16. *Takes note* of the communication by the Government of Côte d'Ivoire to the Kimberley Process plenary meeting on the situation prevailing since the reunification of the country as well as its efforts to develop measures to ensure traceability of diamond production and trade in accordance with the minimum requirements of the Kimberley Process Certification Scheme, and calls on the Kimberley Process to support the efforts of Côte d'Ivoire to prepare for implementation of the Scheme;

17. *Encourages* the Kimberley Process to support the efforts of Liberia to strengthen its internal controls and address continuing challenges to the implementation of the Kimberley Process Certification Scheme;

18. *Also encourages* the Kimberley Process to continue to ensure, in accordance with General Assembly resolution 65/137, follow-up to the progress achieved in the implementation of the Kimberley Process Certification Scheme in West Africa, and notes with appreciation the efforts of Guinea to strengthen its certification system under the Swakopmund administrative decision on Guinea (2009);

19. *Notes with appreciation* the administrative decision of the plenary, finding that the positive actions of Ghana to strengthen internal controls and prevent

[5] A/64/559, annex, attachment I.

infiltrations of illicit diamonds merited the termination of the special measures that had been in place under the Gaborone administrative decision, which calls for Ghana to take steps to respond to the indications of non-substantial conformity with the minimum requirements of the Kimberley Process Certification Scheme, and conveying to Ghana the appreciation of the plenary for its d :ision to continue to record pictures of shipments as a best practice;

20. *Takes note* of the decision of the plenary regarding the continued participation of the Bolivarian Republic of Venezuela in the Kimberley Process, acknowledges the positive step represented by the submissions presented by the Bolivarian Republic of Venezuela in response to the decision of the plenary, and invites the Bolivarian Republic of Venezuela to continue its efforts to fully reintegrate into the Kimberley Process Certification Scheme;

21. *Notes with appreciation* the progress achieved by the ad hoc committee for exploring the modalities of enhancing the efficiency of the Kimberley Process with a view to providing administrative support for its activities, and notes the decision by the 2011 plenary in Kinshasa that the committee should continue to pursue its work by approaching international institutions, including the World Bank, to set up an administrative support mechanism, and the decision by the Kinshasa plenary to create an ad hoc committee on the Kimberley Process Certification Scheme review to assess the strengths and weaknesses of the Scheme as currently designed, identify priority areas for focus, and develop solutions to address the weaknesses of the Scheme that can be proposed to future plenary sessions on an ongoing basis;

22. *Takes note* of the report by the Central African Republic to the Kimberley Process plenary regarding the resumption of violence in the diamond-producing region of Bria in September 2011, and welcomes the rapid actions taken by the Kimberley Process Chair, the Working Group on Monitoring and the Government of the Central African Republic in that respect;

23. *Acknowledges with appreciation* the continued cooperation of the Kimberley Process with the World Customs Organization and the opening of that organization's network of Regional Offices for Capacity-Building to assist in the training of customs agents in the implementation of the Kimberley Process Certification Scheme minimum requirements;

24. *Acknowledges* the adoption by the plenary of the Kimberley Process of four administrative decisions in addition to those mentioned in paragraphs 19 and 21 above, namely, the administrative decision on Marange (Zimbabwe) and the decisions relating to clarifications and recommendations on the issue of applying the Kimberley Process written procedure, the import confirmation of rough diamonds shipments, and the terms of reference of the Participation Committee;

25. *Takes note* of the recommendations to applicant countries, prepared by the Participation Committee, on Kimberley Process Certification Scheme implementing legislation;

26. *Welcomes* the continuing work of the team technical experts on Internet trading in order to monitor the transactions taking place in compliance with the minimum requirements of the Kimberley Process;

27. *Notes with appreciation* the continued work of the Kimberley Process, within its Working Group of Diamond Experts, on the implementation of footprinting work on diamond production from the Democratic Republic of the Congo, Liberia, the diamond-producing region of Bria in the Central African Republic, the Marange region in Zimbabwe, and Sierra Leone;

28. *Also notes with appreciation* that the Kimberley Process rough diamonds statistics website managed by the United States of America has been improved significantly to make it a more efficient and effective system;

29. *Encourages* the Kimberley Process, through its Working Group on Artisanal and Alluvial Production and with the assistance of the Diamond Development Initiative, to ensure implementation of the recommendations set forth in the Moscow declaration (2005);

30. *Reaffirms* the importance of the tripartite nature of the Kimberley Process, regrets the absence of civil society from the Kinshasa plenary, and welcomes the decision by the plenary to reaffirm its commitment to continue its constructive engagement with civil society in recognition of the role that civil society plays in the Kimberley Process;

31. *Acknowledges with great appreciation* the important contribution that the Democratic Republic of the Congo, as Chair of the Kimberley Process in 2011, has made to curb the trade in conflict diamonds, and welcomes the selection of the United States of America as Chair and South Africa as Vice-Chair for 2012;

32. *Requests* the Chair of the Kimberley Process to submit to the General Assembly at its sixty-seventh session a report on the implementation of the Process;

33. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "The role of diamonds in fuelling conflict".

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General Assembly

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Sixty-sixth session
Agenda item 33
The role of diamonds in fuelling conflict

Argentina, Australia, Austria, Belgium, Botswana, Brazil, Bulgaria, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Namibia, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The role of diamonds in fuelling conflict: breaking the link between the illicit transaction of rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Armenia, Bosnia and Herzegovina, Iceland, Montenegro, New Zealand, Republic of Moldova, Serbia, Singapore and Ukraine

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United Nations A/66/L.35

General Assembly

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18 January 2012

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Sixty-sixth session
Agenda item 127
International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

Draft decision submitted by the President of the General Assembly

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

The General Assembly, having considered the letters from the Secretary-General dated 16 December 2011[1] and 20 December 2011,[2] transmitting letters from the President of the International Criminal Tribunal for Rwanda ("the International Tribunal") dated 26 November 2011 and 13 December 2011, respectively, and taking note of the letter from the President of the Security Council dated 16 January 2012,[3] drawing the attention of the President of the Assembly to the text of Council resolution 2029 (2011) of 21 December 2011:

(a) Decides to extend the terms of office of the following permanent judges at the International Tribunal, who are members of the Trial Chambers, until 30 June 2012 or until the completion of the trials to which they are assigned, if sooner:

Charles Michael Dennis Byron (Saint Kitts and Nevis)

Khalida Rachid Khan (Pakistan)

William H. Sekule (United Republic of Tanzania)

Bakhtiyar Tuzmukhamedov (Russian Federation);

[1] A/66/620.
[2] A/66/625.
[3] A/66/660.

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(b) Decides also to extend the terms of office of the following ad litem judges at the International Tribunal, who are members of the Trial Chambers, until 30 June 2012 or until the completion of the trials to which they are assigned, if sooner:

Florence Rita Arrey (Cameroon)

Solomy Balungi Bossa (Uganda)

Robert Fremr (Czech Republic)

Vagn Joensen (Denmark)

Gberdao Gustave Kam (Burkina Faso)

Lee Gacugia Muthoga (Kenya)

Seon Ki Park (Republic of Korea)

Mparany Mamy Richard Rajohnson (Madagascar).

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General Assembly

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14 February 2012

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Sixty-sixth session
Agenda item 34
Prevention of armed conflict

Andorra, Australia, Bahrain, Comoros, Croatia, Denmark, Egypt, Finland, France, Greece, Hungary, Jordan, Kuwait, Libya, Montenegro, Morocco, Norway, Oman, Panama, Qatar, Republic of Korea, Saudi Arabia, Somalia, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution

The situation in the Syrian Arab Republic

The General Assembly,

Recalling its resolution 66/176 of 19 December 2011, as well as Human Rights Council resolutions S-16/1 of 29 April 2011,[1] S-17/1 of 23 August 2011[1] and S-18/1 of 2 December 2011,[2]

Expressing grave concern at the deterioration of the situation in the Syrian Arab Republic, in particular the ongoing human rights violations and use of violence by the Syrian authorities against its population,

Reaffirming the role of regional and subregional organizations in the maintenance of international peace and security as set out in Chapter VIII of the Charter of the United Nations,

Reaffirming also its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the principles of the Charter,

Reaffirming further that all States Members of the United Nations should refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations,

Welcoming the engagement of the Secretary-General and all diplomatic efforts aimed at ending the crisis,

[1] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. I.

[2] Ibid., *Supplement No. 53B* (A/66/53/Add.2 and Corr.1), chap. II.

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1. *Reaffirms* its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic, and stresses the need to resolve the current political crisis in the Syrian Arab Republic peacefully;

2. *Strongly condemns* the continued widespread and systematic violations of human rights and fundamental freedoms by the Syrian authorities, such as the use of force against civilians, arbitrary executions, the killing and persecution of protestors, human rights defenders and journalists, arbitrary detention, enforced disappearances, interference with access to medical treatment, torture, sexual violence and ill-treatment, including against children;

3. *Calls upon* the Government of the Syrian Arab Republic to immediately put an end to all human rights violations and attacks against civilians, protect its population, fully comply with its obligations under applicable international law and fully implement Human Rights Council resolutions S-16/1, S-17/1 and S-18/1, as well as General Assembly resolution 66/176, including by cooperating fully with the independent international commission of inquiry;

4. *Condemns* all violence, irrespective of where it comes from, and calls upon all parties in the Syrian Arab Republic, including armed groups, to stop all violence or reprisals immediately, in accordance with the League of Arab States initiative;

5. *Stresses again* the importance of ensuring accountability and the need to end impunity and hold to account those responsible for human rights violations, including those violations that may amount to crimes against humanity;

6. *Demands* that the Government of the Syrian Arab Republic, in accordance with the Plan of Action of the League of Arab States of 2 November 2011 and its decisions of 22 January and 12 February 2012, without delay:

(a) Cease all violence and protect its population;

(b) Release all persons detained arbitrarily owing to the recent incidents;

(c) Withdraw all Syrian military and armed forces from cities and towns and return them to their original home barracks;

(d) Guarantee the freedom of peaceful demonstration;

(e) Allow full and unhindered access and movement for all relevant League of Arab States institutions and Arab and international media in all parts of the Syrian Arab Republic to determine the truth about the situation on the ground and monitor the incidents taking place;

7. *Calls for* an inclusive Syrian-led political process, conducted in an environment free from violence, fear, intimidation and extremism and aimed at effectively addressing the legitimate aspirations and concerns of the people of the Syrian Arab Republic, without prejudging the outcome;

8. *Fully supports* the League of Arab States decision of 22 January 2012 to facilitate a Syrian-led political transition to a democratic, pluralistic political system, in which citizens are equal regardless of their affiliations or ethnicities or beliefs, including through the commencement of a serious political dialogue between the Government of the Syrian Arab Republic and the whole spectrum of the

Syrian opposition, under the auspices of the League of Arab States and in accordance with the timetable set out by the League of Arab States;

9. *Calls upon* all Member States to provide support to the Arab League initiative, as requested;

10. *Calls upon* the Syrian authorities to allow safe and unhindered access for humanitarian assistance in order to ensure the delivery of humanitarian aid to persons in need of assistance;

11. *Requests*, in this context, the Secretary-General and all relevant United Nations bodies to provide support to the efforts of the League of Arab States, both through good offices aimed at promoting a peaceful solution to the Syrian crisis, including through the appointment of a Special Envoy, and through technical and material assistance, in consultation with the League of Arab States;

12. *Requests* the Secretary-General to report on the implementation of the present resolution, in consultation with the League of Arab States, within 15 days of its adoption.

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General Assembly

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Sixty-sixth session
Agenda item 34
Prevention of armed conflict

Andorra, Australia, Bahrain, Comoros, Croatia, Denmark, Egypt, Finland, France, Greece, Hungary, Jordan, Kuwait, Libya, Montenegro, Morocco, Norway, Oman, Panama, Qatar, Republic of Korea, Saudi Arabia, Somalia, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The situation in the Syrian Arab Republic

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Central African Republic, Colombia, Côte d'Ivoire, Cyprus, Czech Republic, Djibouti, Estonia, Germany, Honduras, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Palau, Poland, Portugal, Republic of Moldova, Romania, San Marino, Seychelles, Slovakia, Slovenia, Spain, Sweden, Switzerland and the former Yugoslav Republic of Macedonia

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United Nations A/66/L.37

General Assembly

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Sixty-sixth session
Agenda item 124
United Nations reform: measures and proposals

Belarus, Bolivia (Plurinational State of), China, Cuba, Indonesia, Iran (Islamic Republic of), Nicaragua, Pakistan, Russian Federation, Syrian Arab Republic, Tajikistan, Venezuela (Bolivarian Republic of) and Zimbabwe: draft resolution

Intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations, and recalling the Universal Declaration of Human Rights[1] and relevant international human rights instruments,

Recalling also the obligations of States parties under international human rights treaties, including those relevant to the functioning of the human rights treaty bodies,

Recalling further Economic and Social Council resolution 1985/17 of 28 May 1985,

Reaffirming that the full and effective implementation of international human rights instruments by States parties is of major importance to the efforts of the United Nations to promote universal respect for and observance of human rights and fundamental freedoms, and that the effective functioning of the human rights treaty body system is indispensable for the full and effective implementation of such instruments,

Recognizing the important, valuable and unique role and contribution of each of the human rights treaty bodies to the promotion and protection of human rights and fundamental freedoms, including through examination of the progress made by States parties to respective human rights treaties in fulfilling their relevant obligations and in providing recommendations to such States on their implementation,

[1] Resolution 217 A (III).

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Reaffirming the importance of the independence of the human rights treaty bodies,

Recognizing the importance of providing, under the existing procedures of the General Assembly, adequate funding to the human rights treaty body system from the regular budget of the United Nations,

Recognizing also the importance of continued efforts to improve the efficiency of the working methods of the human rights treaty body system,

Noting the reports of the Secretary-General on measures to improve further the effectiveness, harmonization and reform of the human rights treaty body system,[2]

Noting with appreciation the initiative and efforts of the United Nations High Commissioner for Human Rights, in the form of a multi-stakeholder consultation approach of reflection on how to streamline and strengthen the treaty body system,

Noting that the multi-stakeholder approach consisted of a number of meetings involving representatives of Member States, treaty bodies, national human rights institutions, non-governmental organizations and academia, including events hosted by a number of Member States,[3]

Noting also that the High Commissioner for Human Rights has announced upcoming consultations with Member States in New York in April 2012 within the framework of her efforts and in line with her intention to prepare a report compiling relevant proposals made during the reflection process,

1. *Requests* the President of the General Assembly to launch, within the framework of the General Assembly, an open-ended intergovernmental process, no earlier than in April 2012, to conduct open, transparent and inclusive negotiations on how to strengthen and enhance the effective functioning of the human rights treaty body system;

2. *Also requests* the President of the General Assembly, in this regard, to appoint two co-facilitators, in accordance with established procedures and practices in this regard, to assist him in this process;

3. *Decides* that, in its deliberations, the aforementioned open-ended intergovernmental process shall take into consideration the relevant proposals on strengthening and enhancing the effective functioning of the human rights treaty body system, including those contained in the reports of the Secretary-General[2] and the compilation report to be prepared by the United Nations High Commissioner for Human Rights, and in this regard invites the High Commissioner to present the compilation report to the General Assembly no later than June 2012;

4. *Reaffirms* that the deliberations in the framework of the open-ended intergovernmental process shall be open to all Member States of the United Nations, observer States, relevant intergovernmental organizations and relevant United Nations bodies;

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[2] A/66/344 and A/HRC/19/28.

[3] Dublin (November 2009 and 2011), Marrakech, Morocco (June 2010), Poznan, Poland (September 2010), Seoul (April 2011), Sion, Switzerland (May 2011), Pretoria (June 2011), Luzern, Switzerland (October 2011), Geneva (October and November 2011 and February 2012).

5. *Requests* the President of the General Assembly to establish appropriate channels of communication with the President of the Human Rights Council regarding the open-ended intergovernmental process on strengthening and enhancing the effective functioning of the human rights treaty body system referred to in paragraph 1 above;

6. *Also requests* the President of the General Assembly to work out separate informal arrangements, after consultation with Member States, that would allow the open-ended intergovernmental process to benefit from the inputs and expertise of the human rights treaty bodies, national human rights institutions and relevant non-governmental organizations, bearing in mind the intergovernmental nature of the process referred to in paragraph 1 above;

7. *Requests* the Secretary-General to provide the open-ended intergovernmental process with all necessary support from within existing resources for the duration of its mandate;

8. *Requests* the President of the General Assembly to report by the end of its sixty-sixth session on the deliberations and recommendations of the open-ended intergovernmental process for further consideration by the General Assembly, including consideration of a possible extension of the process.